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Attorneys for Defendants David G. Naskrent,
Matthew J. and Corrina Surma, Cory Lee
Hughes and Corey B. Cleghorn, DPHC
Enterprise Inc., and DHSC Enterprise Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ROBERT R. COTTMAN, a single
man; MICHAEL A. BAKER, a single
man; DANIEL L. THEOBALD, a
single man; and a class of others
similarly situated,

Plaintiffs,

vs.,

DAVID G. NASKRENT, a single man;
MATTHEW J. and CORRINA
SURMA, husband and wife; CORREY
LEE HUGHES and COREY B.
CLEGHORN, husband and wife;
DPHC ENTERPRISE INC., an Arizona
corporation; DHSC Enterprise Inc., an
Illinois corporation; ROSATI'S
FRANCHISE & DEVELOPMENT,
LLC, an Illinois corporation; and John
Does I-X,

Defendants.

Case No.

(Arizona Superior Court, Maricopa County
Case No. CV2017-008567)

**DEFENDANTS DAVID G. NASKRENT,
MATTHEW J. AND CORRINA
SURMA, CORY LEE HUGHES AND
COREY B. CLEGHORN, DPHC
ENTERPRISE INC., AND DHSC
ENTERPRISE INC.'S NOTICE OF
REMOVAL PURSUANT TO 28 U.S.C.
§§ 1331, 1441(a) AND 1446**

**(FEDERAL QUESTION
JURISDICTION)**

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND PLAINTIFF:

PLEASE TAKE NOTICE that Defendants David G. Naskrent, Matthew J. and
Corrina Surma, Cory Lee Hughes and Corey B. Cleghorn, DPHC Enterprise Inc., and

DHSC Enterprise Inc. (“Defendants”) hereby remove this action from the Superior Court of the State of Arizona for the County of Maricopa to the United States District Court for the District of Arizona, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. A short and plain statement of the grounds for removal follows:

1. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 (federal question jurisdiction). 28 U.S.C. § 1331 grants district courts original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States. As set forth below, this case meets the requirements for removal under 28 U.S.C. § 1331 and is timely and properly removed by the filing of this Notice.

2. Assignment to the United States District Court for the District of Arizona is appropriate because this is a civil action that arises in the County of Maricopa, Arizona.

3. On May 25, 2017, Robert P. Cottman, Michael A. Baker, Daniel L. Theobald and a class of others similarly situated, (“Plaintiffs”) filed a Complaint against Defendants in the Superior Court of the State of Arizona for the County of Maricopa, entitled *Robert P. Cottman, Michael A. Baker, Daniel L. Theobald and a class of others similarly situated v. David G. Naskrent, Matthew J. and Corrina Surma, Cory Lee Hughes and Corey B. Cleghorn, DPHC Enterprise Inc., DHSC Enterprise Inc., and Rosati's Franchise & Development, LLC*, Case No. CV2017-008567 (“Complaint”). Defendants attach a true and correct copy of the State court record, including Plaintiff’s Summons and Complaint, as **Exhibit A**. Defendants Cory Lee Hughes and Corey B. Cleghorn were served on May 26, 2017. Defendants Matthew J. Surma and Corrina Surma were served on May 27, 2017. Defendant DPHC Enterprise, Inc. was served on May 31, 2017. Defendant David Naskrent was served on June 12, 2017. Defendant DHSC Enterprise, Inc. was served on June 12, 2017. Defendant Rosati’s Franchise & Development, LLC, was served on June 9, 2017, and will have 30 days from that date to join in the removal of this action.

4. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendants

1 pursuant to the provisions of 28 U.S.C. § 1441(a). Specifically, the Complaint alleges
2 violations of the Fair Labor Standards Act of 1938, 29 U.S.C. § 201, *et seq.* which raises a
3 federal question within this Court's jurisdiction.

4 5. No further related proceedings have been heard in Maricopa County
5 Superior Court.

6 6. This Notice is timely in that it has been filed within thirty (30) days from the
7 date Defendants were served with Plaintiffs' Complaint.

8 7. As required by Local Rule 3.6(a), Defendants certify that they have served a
9 copy of this Notice of Removal on Plaintiffs, and a copy of the Notice also has been filed
10 this date with the Clerk of the Arizona Superior Court, as required by 28 U.S.C.
11 § 1446(d). Defendants attach a copy of the Notice of Filing Notice of Removal filed with
12 the State Court Clerk as **Exhibit B**.

13 8. This Notice is signed pursuant to Rule 11 of the Federal Rules of Civil
14 Procedure, in accordance with 28 U.S.C. § 1446(a) and Local Rule 3.6.

15 WHEREFORE, having provided notice as required by law, the above-entitled
16 action should be removed from the Maricopa County Superior Court.

17 DATED this 26th day of June, 2017.

18 QUARLES & BRADY LLP

19 By s/ Robert G. Vaught

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24 Naskrent, Matthew J. and Corrina Surma,
25 Cory Lee Hughes and Corey B. Cleghorn,
26 DPHC Enterprise Inc., and DHSC
27 Enterprise Inc.
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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of June, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants in this matter:

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/s/ 
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